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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 HARRY BURDICK,
8
9 *Plaintiff,*

10 vs.

11 STATE OF NEVADA, *et al.,*

12 *Defendants.*

2:12-cv-00792-KJD-GWF

13 ORDER

14 Plaintiff, a Nevada state inmate, has filed an application (#2) to proceed *in forma*
15 *pauperis* seeking to initiate a civil rights action.

16 The application is incomplete. Both a financial certificate properly executed by an
17 appropriate institutional officer on the Court's required form and a statement of the plaintiff's
18 inmate trust fund account for the past six months are required by 28 U.S.C. § 1915(a)(2) and
19 Local Rule LSR1-2. Plaintiff attached neither. The financial certificate page from the Court's
20 required federal form was not executed by an institutional officer but instead was left blank.
21 Attachment of a financial certificate from a state pauper form, which does not provide the
22 required information, is not sufficient. Plaintiff must use this Court's forms, in full, not a hybrid
23 mix of federal and state forms; and he must fully complete the federal form. Plaintiff further
24 did not attach a statement of his inmate trust account for the past six months.

25 Further, plaintiff did not use the Court's required form for a civil rights complaint, as
26 required by Local Rule LSR 2-1.

27 Due to the multiple defects presented, this action will be dismissed without prejudice.
28 It does not appear from review of the allegations presented that a dismissal without prejudice

1 will result in a promptly-filed properly commenced action being time-barred. This improperly-
2 commenced action therefore will be dismissed without prejudice.

3 IT THEREFORE IS ORDERED that the application to proceed *in forma pauperis* (#2)
4 is DENIED and that this action shall be DISMISSED without prejudice to the filing of a new
5 complaint on the required form in a new action together with either a new pauper application
6 with all required attachments or payment of the \$350.00 filing fee.

7 The Clerk of Court shall send plaintiff a copy of the papers that he filed along with the
8 complaint and pauper forms and instructions for both forms.

9 The Clerk shall enter final judgment accordingly, dismissing this action without
10 prejudice.

11 DATED: May 24, 2012



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14 KENT J. DAWSON
15 United States District Judge
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